

Presentation by Expert on Legal Issues of Public Organization
"Antifascist Human Rights League" SVETLANA NOVITSKA
At the Plenary Session
OSCE Human Dimension Implementation Meeting
24 SEPTEMBER 2019 (10 am - 1 pm)
(SUBJECT: TOLERANCE AND NON-DISCRIMINATION)

The "Antifascist Human Rights League" monitors facts of violations of rights and freedoms in Ukraine, in particular, the incidents in matters referring to tolerance and non-discrimination.

I'd like to draw attention of all those present that the Office for Democratic Institutions and Human Rights of the OSCE according to its authority oversees conduct of elections to evaluate electoral processes' respect for fundamental freedoms, provision of equality and utility, political pluralism, personal privacy, transparency and accountability. The Office also supports authorities in their efforts targeted at improvement of electoral processes and implementation of recommendations of ODIHR election observation missions by analyzing electoral legislation, providing technical expert opinion and supporting activities of groups of civilian observers.

However, the ODIHR leadership - ignoring its mandate – failed to respond to facts of total discrimination of millions of voters - citizens of Ukraine, illegally deprived by Ukrainian government of their right to elect president of Ukraine in 2019 and MPs of Verkhovna Rada.

So, on December 31, Central Election Commission - in violation of all rules of law - eliminated all polling stations located at the territory of Russian Federation, offering voters residing in Russian Federation to go to register (and then to vote) either to Finland or to Kazakhstan. This is an evident mockery and obvious discrimination of citizens of Ukraine by their authorities.

Later on, on February 7, 2019 Verkhovna Rada of Ukraine adopted a law banning entrance to Ukraine for citizens of Russia, chosen by international institutions to participate in observation mission for presidential, parliamentary and local elections in Ukraine

Upon completion of presidential campaign, the ODIHR Director Ingibjörg Gísladóttir congratulated Ukrainian side with successful organization of electoral process conducted in accordance with Ukraine's international obligations and national legislation. At the same time, Ms. Gísladóttir emphasized that presidential

elections-2019 in Ukraine were competitive ones and were accompanied with respect for fundamental freedoms.

The ODIHR presented a similar assessment to the snap parliamentary elections in 2019 in Ukraine.

This is an evident practice of double standards on part of the OSCE body responsible for observance of rights and freedoms of citizens during elections.

The ODIHR leadership - In violation of international law – failed to respond to unprecedented, brutal and discriminatory infringement of rights of citizens of Ukraine who are forced (due to economic and political situation in Ukraine) to temporarily reside at territory of Russian Federation. They were stripped off the right to participate in presidential and parliamentary elections in Ukraine. And the number of these people well exceeds 3 million.

Please note that the ODIHR is the OSCE body funded by the OSCE member-states (in particular, by Ukraine). That means money are taken from my pocket and pockets of all voters - citizens of Ukraine. Then we have a question – why shall we fund structures that do not want to notice and respond to grave discrimination of a certain group of Ukrainian citizens, who are deprived of their right to participate in elections?

I want to remind everyone that Ukraine (territorially the largest country in Europe, by the way) due to historical circumstances is inhabited by various nations and ethnic groups. Some of them dwell as compact communities – Hungarians, Romanians, Ruthenians, Poles - in western regions of Ukraine. Eastern regions of Ukraine are home to large Russian-speaking community.

Despite the fact, that prior to the 1991 referendum on independence, both authorities and the future first president of Ukraine Leonid Kravchuk guaranteed to all nations inhabiting Ukraine: observance of their rights and interests, preservation of cultural, linguistic, ethnic and religious identity of all indigenous peoples and national minorities of Ukraine, later on all these guarantees left only on paper in the form of certain norms contained in Constitution of Ukraine.

Since 2014 in Ukraine, despite the so-called "revolution of dignity" (that promised everyone integration into the European community, introduction of common European values, implementation of Ukrainian legal system in European law), we in reality witness a start of creation of a state with "one nation and one church" under a completely totalitarian regime.

In violation of the international commitments Ukraine undertook by ratifying the European Charter of regional languages or minority languages, the parliament of Ukraine adopted the Law "On ensuring of functioning of Ukrainian language as the state language". This law limits development of all other languages in Ukraine

besides Ukrainian. According to this law, the weekly amount of nationwide or regional mass media outlets' broadcasts in Ukrainian language shall be not less than 90% of the total duration of broadcast time in each interval of time from 7 am to 6 pm and from 6 pm to 10 pm. The previous limit was 75%.

Besides that, the local mass media outlets in the general weekly volume shall provide broadcasting in Ukrainian language for not less than 80% for each period of time from 7 am to 6 pm and from 6 pm to 10 pm (previously it was "not less than 60%"). Adoption of this law completely excluded usage of national minorities' languages in teaching at schools and universities.

The law regulates usage of Ukrainian language as the only state language in all spheres of social life throughout the entire country: it shall be mandatory for state authorities and local self-governments, all schools, hospitals and the service sector.

Exceptions will only apply to private communication and religious rites. In fact, we are talking about the law on "total Ukrainization". The legislative branch of power ignored critical assessment of the law by the EU countries such as Hungary, Poland, Romania, Slovakia and representatives of nations dwelling in a compact manner at the territory of Ukraine.

In this connection, I ask you to supplement the resolution on outcomes of the Meeting with the requirements addressed to the state of Ukraine - to ensure the right to participate in elections for all citizens of Ukraine, to restore all polling stations in Russian Federation.

All participants who wish to get a copy of monitor report on violations of human rights and freedoms in Ukraine can turn to me after completion of the Plenary Meeting.